

SHAMROCK CARTAGE, INC.  
Case 09-CA-219396

**Confidential Witness Affidavit**

**I, Jason V. Caccamo, being first duly sworn upon my oath, state as follows:**

**I have been given assurances by an agent of the National Labor Relations Board (NLRB) that this Confidential Witness Affidavit will be considered a confidential law enforcement record by the NLRB and will not be disclosed unless it becomes necessary to produce this Confidential Witness Affidavit in connection with a formal proceeding.**

I reside at 1587 Tyler Avenue, Apt B., Pickerington, Ohio 43147

My cell phone number (including area code) is 614-530-4209

My e-mail address is jvcaccamo@gmail.com

I was employed by Shamrock Cartage

located at 2140 Maxim Drive, Rockdale, IL 60436.

I did not sign a confidentiality agreement relating to my employment at Shamrock Cartage.

I worked for Shamrock Cartage from April 10, 2017 through March 30, 2018. My job title was manager for all of the Ohio facilities. In this position, I hired, fired, and disciplined employees. I reported directly to the general manager of the company, Michael Harper, who reported to owners Dan O'Brian and Matt Harper. I was the highest ranking employee at Shamrock's facility, run by DHL, located at Kraft Foods Warehouse, 2842 Speigel Drive, Columbus, Ohio 43085. Shamrock did the yard service for Kraft Foods Warehouse. I voluntarily left which is why I no longer work for Shamrock Cartage. I am currently employed with Excel Trucking, LLC, as of April 2, 2018.

**Privacy Act Statement**

The NLRB is asking you for the information on this form on the authority of the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the NLRB in processing representation and/or unfair labor practice cases and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). Additional information about these uses is available at the NLRB website, [www.nlr.gov](http://www.nlr.gov). Providing this information to the NLRB is voluntary. However, if you do not provide the information, the NLRB may refuse to continue processing an unfair labor practice or representation case, or may issue you a subpoena and seek enforcement of the subpoena in federal court.

I managed the Pepsi facility in Obetz, Ohio and the Grainger facility in Macedonia, Ohio. These two facilities do not have the PINC system. Only the DHL facility at Kraft Foods Warehouse has PINC.

About two months before I resigned from Shamrock, the computer in the PINC system went down. There was some back and forth between Kraft and DHL. Kraft is in charge of paying for systems inside the trucks. Kraft did not have any employees inside the facility, it was all run by DHL. About two months <sup>before I resigned JVL</sup> ago, I spoke to Joe Hunt, DHL's manager, and Joe reached out to his contacts at Kraft to get approval for that computer to get fixed. Kraft did not respond while I was employed by Shamrock at the time I left Shamrock, the computer was still not working in that truck. This was the truck that Shane Smith was using, truck 263. As drivers, our drivers had to use their personal phones to complete moves that they would normally use the computers for, but employees were not being reimbursed for their cell phone expenses and they would drain their batteries in one shift.

The computer system shows the DHL warehouse, what trailers to move from what location to location, which allows our drivers to do their work flow and know what trailer to move drive next. The trailers were moving from the yard to the door, from one door to another, or from the door back out to the yard. The drivers were using a link to the PINC website. When computers were not working in the truck, I provided them with a link to access the system.

One truck did not have a computer in it at all, it was a rental truck from Eagle Mark, so drivers had to use their personal phones when they drove the truck. It did not have a number in it; it was bright yellow truck.

At least one as week, drivers would have issues with their computers and they would report the issue to PINC itself. On the computer terminals in the truck, there is a sticker with a



toll free number to contact PINC for support. If a computer was not working, PINC requested that I not make the phone call, but they wanted the actual driver in the truck to make the phone call so they could trouble shoot and walk that driver through how to reset the computers. This was the procedure that we used when I was manager.

For example, driver Chuck Armentrout had called PINC before, as well as Lisa Clarkson, and Brian Williamson, current manager, but when he was a driver. I gave permission to these three employees to contact PINC directly and to my knowledge, they did contact PINC. I have a text message from February 9, 2018 on my phone where I instructed Lisa to have Chuck Armentrout contact PINC directly to trouble shoot the issue. I will provide a copy of this email to the Board Agent. I then called Chuck instruction him to contact PINC directly.

Corporate was not involved with PINC. Kraft and DHL were responsible for maintaining PINC so any issues that we had with terminals, including one that was down for several months, corporate was not involved or to my knowledge even knew about our contacts with PINC, but it was not Shamrock's responsibility for maintaining it. I never contacted Michael Harper, Dan O'Brian or Matt Harper to let them know that a driver had contacted PINC with my permission.

I did contact Joe Hunt, DHL's manager, on several occasions, letting him know our drivers are currently using their cell phones because their computers were not working. I don't know if Joe Hunt was aware that the drivers had contacted PINC on their own; I did not tell Joe that drivers themselves had contacted PINC. This was more of an internal procedure for what we were doing at Shamrock to troubleshoot the issue so I didn't include Joe on this procedure.

Before I left, I provided a 2 ½ week notice, and spent time with Brian Williamson to mentor him and get him up and running to be the new manager. During this time, I reminded Brian what he knew as a driver which was to have the drivers call PINC to troubleshoot if they

had any issues come up. I also talked at length with Brian about the truck we were having issues with. I also copied Brian on an email to Joe Hunt following back up on the truck 263 that was not working, reminding Joe Hunt that drivers were using their phones. I believe I sent this email on March 12, 2018, the first Monday after I gave my notice. I don't have this email anymore. I don't have access to my company emails after I left Shamrock so I had to delete my email account after I resigned.

I talked to Shane Smith the date the incident happened, on either April 9 or 10. He called me and said he was suspended pending investigation. Shane explained he felt he was wrongfully terminated, that Brian had instructed him to call PINC to resolve the most recent issue with computer terminals in the truck. He said he did as instructed, and in speaking to PINC, he asked about the status of the other truck that was out there. Shane said they were going to check into that, and a few hours later, an email went out that caused Brian to be alerted that Shane asked that question, that Brian had contacted corporate to let them know Shane had that conversation with Pinc. Shane said he thought it was ridiculous for him to be suspended for doing what he as told to do and asking an additional question. I agreed. Shane asked me if I was still a manager and that question had come up, would I have taken any action against him. I said no. He asked if I would have reported this to corporate and I said no because there was no correlation between the PINC terminals and corporate. He said that's great, I have the next couple of days off anyhow, and I'll be back for my next shift.

I spoke to Brian Williamson on Wednesday, April 11. Brian called me on the phone and had a couple of questions with some transitional things unrelated to Shane and then Brian brought up Shane. He asked me about my new job, about day to day managerial duties. Brian said, are you sitting down for this? Let me tell you what happened with our superstar. Brian said



he found out that Shane, in having a conversation with PINC about the most recent terminal issue, that Shane asked the question about the terminal was completely down, which resulted in an email from PINC to Kraft and DHL, and Brian was concerned this would get him in trouble for having mentioned this to Shane (even though fixing the truck was not Brian's responsibility), so he forwarded the email to corporate. Brian said because of Shane's past history with the company, any time Shane's name was mentioned, corporate was never happy to have his name come up in any conversation, Brian said that Shane was suspended but he would be terminated. Brian told me that they felt that Shane was possibly interfering with the contract, putting the contract with Kraft in jeopardy about talking to PINC about this issue. I listened to what Brian had to say and then that was the end of the conversation.

Shane then called me on April 13 and told me the company had changed his suspension to a termination. Shane said he was terminated because of the issue with him speaking to PINC. I told him I thought that was ridiculous, and that it is ironic it was the same week the reading of the NLRB notices were being read (which I believe took place that Wednesday, April 11). I told him it was ridiculous that Shamrock would go down this road again after having his previous termination overturned. He asked again if I was manager, would I have sent this information to corporate. I told him no and that if I needed to be called as a witness, I would support him and let the NLRB know how this stuff worked and the background of it. Shane mentioned how he felt Brian had changed since he took over as new manager. I said I think Brian is trying to give himself a reputation as a hard lined manager who would not tolerate any issues, and this seemed like a power play, him showing his power against the staff. Shane and I talked about how he was confirming the employees being authorized to call Pinc to report issues with their trucks and I reminded him of the sticker being on the truck. Shane said that Brian accused Shane of

contacting me to get the phone number for PINC and I reminded Shane the phone number for PINC is on a sticker in the terminal. Shane also asked if any other employees had called PINC, and I said that was our procedure and would be happy to vouch for that side of things. I explained to Shane that previously Brian, as well as Lisa Clarkson, both on occasions while I was manager, had gone to DHL and asked about status of repairs to truck terminals without my permission, but I didn't see that as an issue or anything that would jeopardize our contract. I told Shane would think nothing of one of my staff members went into talk to warehouse management because this happened all of the time.

I recall during both conversations I had with Shane, I told him I felt it was ironic that it was him out of everyone in the staff, because he had been through the process before and knows how it works.

At times when I was manager, Lisa was my back up person, but Brian was just a driver, and he did go to DHL to talk about issues with our terminals.

I experienced the same issue with Shane when I was manager. In the fall, 2017, I originally gave Shane a written warning for not setting refrigerated units on trailers correctly. Any time I had a disciplinary action, I sent it to corporate to review. I think about three days prior, corporate had notice that Union cards were signed, and then I was told by phone by Dan O'Brian and Matt Harper to terminate Shane on the spot and make him leave the property immediately. I told them I'd already given him a written warning and that it would be illegal to fire him based on what he did and especially with the fact that he was involved in Union activity. They told me if I did not fire Shane, I would not have my job any more. I then terminated Shane. Only the three of us were on the phone call.



In early November 2017, when Shane was reinstated, I spoke to Matt Harper and Dan O'Brian on the phone several times. Only the three of us were on the phone during these conversations. They told me over the phone to watch Shane like a hawk. I was told by them to always be on facility when Shane was working; he was not to be left alone without me being there. During one conversation with both Matt and Dan, they told me that if Shane did anything close to incorrect, if he made any mistakes at all (and normally in this business, something is done incorrectly when you're moving numerous trailers each day), that I should terminate him. Shane did an amazing job when he came back so there was no question about his work performance.

About November 8, 2017, when Shane came back to work, Matt and Dan contacted me by conference call to see how Shane was doing, to see if he was causing any issues, and to see what his attitude was, and if he was causing any problems. I told them Shane was actually doing a great job, that he and I talked when he first came in so squash any issues, and he told me he was there to do a good job and work which is exactly what he did when he was there with me.

During one conversation with just Dan in early November 2017, Dan said, Jason, you're not going to like this. I said what? Dan said, you're not going to like this, and I said, Dan, what is it? Dan said that when Shane comes back, <sup>you</sup> ~~I~~ need to be by his side 24/7. Dan told me to shadow Shane in the truck, to follow him when he went into the bathroom, and to follow him so he wouldn't be causing any problems.

During several conversations before the election, and after the election, including the two conversations I mention above, Matt and Dan asked me if the warehouse knew about the union, does the warehouse know about the union. I believed they were fearful of DHL and Kraft finding

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out that we had union activity at the facilities and they would cancel the contract. This was a constant question by O'Brian and Harper, even leading up to when I left the facility.

I spoke to Matt and Dan often during the day. When I first started at Shamrock, I spoke to them about once a month. When the union campaign began, I spoke to Matt and Dan about every other day; about 60% of the time they contacted me.

When Shamrock had to post the NLRB notice, Matt and Dan asked me if any DHL personnel comes inside the truck, would there be any risk of DHL seeing these notices. I don't know if DHL or Kraft knew about the Union other than I believe the NLRB reached out to DHL during the campaign.

I believe that the labor board notice was scheduled to get read on Wednesday, April 11, two days after Shane was suspended. I find it ironic that Shane's suspension/termination took place this week as it did.

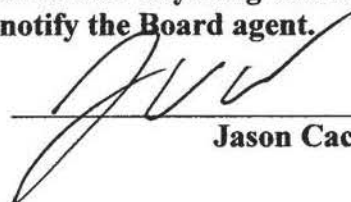
If I had been manager and this occurred, Shane contacting PINC and asking to trouble shoot his truck or about truck 263 that had not been working for a while would not have raised any red flags.

**I am being provided a copy of this Confidential Witness Affidavit for my review. I understand that this affidavit is a confidential law enforcement record and should not be shown to any person other than my attorney or other person representing me in this proceeding.**

**I have read this Confidential Witness Affidavit consisting of 9 pages, including this page, I fully understand it, and I state under penalty of perjury that it is true and correct. However, if after reviewing this affidavit again, I remember anything else that is important or I wish to make any changes, I will immediately notify the Board agent.**

**Date:** May 21, 2018

**Signature:**

  
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**Jason Caccamo**

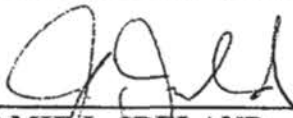


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Signed and sworn to before me on May 21, 2018 at

Columbus, Ohio



**JAMIE L. IRELAND**  
**Board Agent**  
**National Labor Relations Board**